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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Capon &amp; Petropoulos

Confirmation No.: 9120

Serial No.: 09/875,082

Art Unit: 1636

Filed: June 5, 2001

Examiner: J. Ketter

For: COMPOSITIONS AND METHODS FOR  
DETERMINING ANTI-VIRAL DRUG  
SUSCEPTIBILITY AND RESISTANCE  
AND ANTI-VIRAL DRUG SCREENING

Attorney Docket No: 50130-G  
(011068-051-999)

**REQUEST FOR CORRECTED FILING RECEIPT**

COMMISSIONER FOR PATENTS  
PO BOX 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicants' attorney requests correction of the Filing Receipt for the referenced application as follows:

Please correct the filing date from [06/06/2001] to --06/05/2001, and change the Attorney Docket No. from [50130-G] to --011068-051-999--.

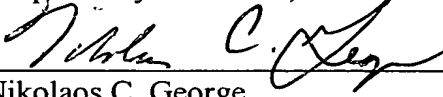
The following documents are enclosed:

1. A copy of the marked up Filing Receipt;
2. A copy of the Utility Patent Application Transmittal as filed;
3. A copy of the Express Mail Certificate of Mailing for Above-Identified Application; and
4. A copy of the Express Mail Receipt showing the date stamp.

No fees are believed due in connection with this request. However, the Commissioner is authorized to charge all required fees, fees under 37 C.F.R. § 1.17 and all required extension of time fees, or credit any overpayment, to Pennie & Edmonds U.S. Deposit Account No. 16-1150.

Respectfully submitted,

Date: October 1, 2003

  
Nikolaos C. George 39,201  
(Reg. No.)  
**PENNIE & EDMONDS LLP**  
1155 Avenue of the Americas  
New York, NY 10036-2711  
(212) 790-9090

## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/875,082	<del>06/06/2001</del> 06/05/2001	1645	395	<del>501306</del> 011068-051-999	40	19	4

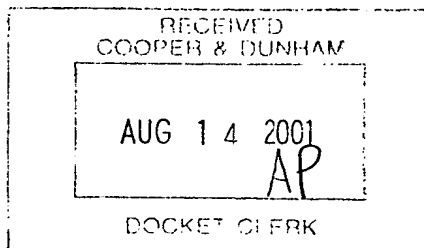
CONFIRMATION NO. 9120

## FILING RECEIPT



\*OC000000006411193\*

John P. White  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, NY 10036



Date Mailed: 08/10/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Daniel J. Capon, Hillsborough, CA;  
Christos J. Petropoulos, Half Moon Bay, CA;

## Assignment For Published Patent Application

ViroLogic Inc., San Francisco, CA;

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/371,774 08/10/1999 PAT 6,242,187  
WHICH IS A CIP OF 08/903,507 07/30/1997 ABN  
WHICH IS A CIP OF 08/790,963 01/29/1997 PAT 5,837,464  
WHICH CLAIMS BENEFIT OF 60/010,715 01/29/1996

## Foreign Applications

If Required, Foreign Filing License Granted 08/10/2001

Projected Publication Date: 11/22/2001

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

**Title**

Compositions and methods for determining anti-viral drug susceptibility and resistance and anti-viral drug screening ✓

**Preliminary Class**

435

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**Data entry by : SALEEKUL, SIRILUCK**

**Team : OIPE**

**Date: 08/10/2001**

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231

Anticipated Classification  
of this Application:  
Class 435 Subclass 6

Prior Application:  
Examiner J. Ketter  
Group Art Unit 1636

Attorney's  
Docket  
No. 50130-G

HONORABLE ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

June 5, 2001

S I R:

This is a request for filing a X CONTINUATION

       DIVISIONAL        CONTINUATION-IN-PART application under

X 37 C.F.R. §1.53(b)        37 C.F.R. §1.53(d), of pending prior application

Serial No. 09/371,774 filed on August 10, 1999 of

Daniel J. Capon and Christos J. Petropoulos for  
Inventor(s)

COMPOSITIONS AND METHODS FOR DETERMINING ANTI-VIRAL DRUG SUSCEPTIBILITY AND  
RESISTANCE AND ANTI-VIRAL DRUG SCREENING

Title of Invention

1. X Enclosed is a copy of the prior application, as originally  
filed and an affidavit or declaration verifying it as a  
true copy.

2. X A verified statement to establish small entity status under  
37 C.F.R. §1.9 and 1.27

       is enclosed.

X was filed in the prior application and such status  
is still proper and desired (37 C.F.R. §1.28(a)).

3. X The filing fee is calculated as follows:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT

	NUMBER FILED		NUMBER EXTRA*		RATE		FEE	
					SMALL ENTITY	OTHER ENTITY	SMALL ENTITY	OTHER ENTITY
Total Claims	20-20	=	0	X	9	18	= \$ 0	\$
Independent Claims	3-3	=	0	X	40	80	= \$ 0	\$
Multiple Dependent Claims Presented: <u>      </u> Yes <u>X</u> No					135	270	= \$	\$
BASIC FEE							\$ 355	\$ 710
TOTAL FEE							\$ 355	\$ .

\*If the difference in Col. 1 is  
less than zero, enter "0" in  
Col. 2.

<sup>1</sup> filing an application pursuant to this section expressly abandons the  
parent application.

John P. White (Reg. No. 28,678); Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); Jay H. Maioli (Reg. No. 27,213); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Wendy E. Miller (Reg. No. 35,615); Richard S. Milner (Reg. No. 33,970); Albert Wai-Kit Chan (Reg. No. 36,479); Robert T. Maldonado (Reg. 38,232); Paul Teng (40,837); George M. MacDonald (Reg. No. 39,284); Richard F. Jaworski (Reg. No. 33,515); Elizabeth M. Wieckowski (Reg. No 42,226); and Pedro C. Fernandez (Reg. No. 41,741).

Cont/Div.  
Page 3

- (a)   X   The power appears in the original papers in the prior application.
- (b)        Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- (c)   X   Address all future communications to:  
(May only be completed by applicant,  
or attorney or agent of record.)

John P. White

Cooper & Dunham LLP

1185 Avenue of the Americas

New York, New York 10036

15.   X   Also enclosed Express Mail Certificate of Mailing No.

EL 525 963 264 US, dated June 5, 2001

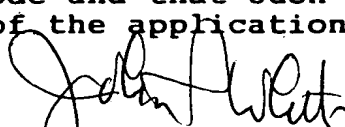
16.   X   I hereby verify that the attached papers are a true copy of prior application Serial No. 09/371,774 as originally filed on August 10, 1999.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

June 5, 2001

Date

Signature

  
John P. White  
Reg. No. 28,678

       INVENTOR(S)

       ASSIGNEE OF COMPLETE INTEREST

  X   ATTORNEY OR AGENT OF RECORD

       FILED UNDER 37 C.F.R. §1.34(a)

Address of Signator:

Cooper & Dunham LLP

1185 Avenue of the Americas

New York, New York 10036



Dkt. 2793/50130-G/JPW/CMR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Daniel J. Capon and Christos J. Petropoulos  
Serial No.: Continuation of 09/371,774  
Filed : June 5, 2001  
For : COMPOSITIONS AND METHODS FOR DETERMINING ANTI-VIRAL DRUG SUSCEPTIBILITY AND RESISTANCE AND ANTI-VIRAL DRUG SCREENING

1185 Avenue of the Americas  
New York, New York 10036  
June 5, 2001

Assistant Commissioner for Patents  
Washington, D.C. 20231

SIR:

**EXPRESS MAIL CERTIFICATE OF  
MAILING FOR ABOVE-IDENTIFIED APPLICATION**

"Express Mail" mailing label number: EL 525 963 264 US

Date of Deposit: June 5, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents Box PCT, Washington, D.C. 20231

Printed Name: \_\_\_\_\_

*CHRIS M. RIES*

Respectfully submitted,

John P. White  
Registration No. 28,678  
Attorney for Applicants  
Cooper & Dunham, LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400



# FILE



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